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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,725	12/10/2004	Franck Det	OT-5076	6049
7590	10/19/2005		EXAMINER	
Troxell K Snyder Otis Elevator Company 10 Farm Springs Farmington, CT 06032			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/517,725	DET ET AL.
	Examiner Eric Pico	Art Unit 3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12/10/2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/10/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the support bracket recited in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 3 objected to because of the following informalities: The phrase "characterized in that when the bridge in extended" on line 22 and 23 is grammatically improper. The office recommends the phrase to read, "characterized in that when the bridge is extended" to avoid confusion. Appropriate correction is required.
3. Claim 6 objected to because of the following informalities: The term preceding is misspelled "preceeding" on line 33. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1 recites the limitation "the controller" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Regarding claim 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim(s) 1, 2, 4, and 5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunito JP Patent No. 06-032555 in view of Roose U.S. Patent No. 5170746.

9. **Regarding claim 1**, Kunito discloses a safety top balustrade for a car of a machine room-less elevator, which moves in a hoistway 1, on a wall 1a of which a controller of the elevator is secured.

10. Kunito further discloses a fixed structure 15 comprised of a plurality of vertical uprights fixed at intervals near the edge of the car roof 8 and two horizontal tubular guard rails fixed at different heights on the uprights, around the periphery of the car roof 8, except at the place which is in front of the controller when the car is at the level of the controller, in order to leave a passage for direct access to the latter.

11. Kunito is silent concerning a telescopically mounted mobile structure. Roose teaches a mobile structure 72 comprised of at least two horizontal bars which are telescopically mounted inside the tubular guard rails 90, so as to slide between an open position where the bars are inserted within the guard rails 90 and a closed position where the bars are extended out of the guard rails, whereby a passage is obstructed. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a telescopically mounted mobile structure to the guide rails disclosed by Kunito to facilitate further access to a controller or other various kinds of device and members affixed to the wall surface of a hoistway.

12. **Regarding claim 2**, Kunito further discloses a bridge 14 comprised of a horizontal plate slidingly mounted on the roof 8 of the car between a retracted position in which it is placed completely on the roof 8, and an extended position in which a portion of the bridge 14 protrudes outside of the roof 8 across the space between the car and the wall 1a of the hoistway 1 on which the controller is fixed.

13. **Regarding claim 4**, Kunito is further silent concerning a telescopically mounted mobile structure. Roose further discloses bars of the mobile structure being connected at their ends by a vertical crossbar which acts as an abutting element and which allows the mobile structure to be moved integrally. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a telescopically mounted mobile structure to the guide rails disclosed by Kunito to facilitate further access to a controller or other various kinds of device and members affixed to the wall surface of a hoistway.

14. **Regarding claim 5**, Kunito further discloses a mobile structure secured in its retracted position or extended position by means of locking elements 18 inserted through holes 16 and 17.

15. Claim(s) 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunito JP Patent No. 06-032555 in view of Roose U.S. Patent No. 5170746 as applied to claims 1 and 2 above, and further in view of Morse et al. U.S. Patent No. 577443.

16. **Regarding claim 3**, Kunito is further silent concerning support brackets fixed to a controller or to a wall. Morse et al. teaches a bridge A in its extended position, lies on a fixed support bracket S. It would have been obvious to one of ordinary skill in the art at

the time of the invention to fix bridge support brackets taught by Morse et al. to the hoistway wall disclosed by Kunito to receive the bridge and evenly distribute the load on the bridge.

17. **Claim(s) 6 with respect to claims 1, 2, 4, and 5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunito JP Patent No. 06-032555 in view of Roose U.S. Patent No. 5170746 as applied to claims 1, 2, 4, and 5 above, and further in view of Purvis et al. U.S. Patent No. 5683074.**

18. **Regarding claim 6 with respect to claims 1, 2, 4, and 5,** Kunito discloses guard rails and bars 15 having a square section but is silent concerning guard rails and bars made of steel. Purvis et al. teaches guide rails 10 and bars having a square section (Figures 2-9) and made of steel (Column 3, Lines 24-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the guard rails and bars disclosed by Kunito from steel taught by Purvis et al. to provide a resilient guide rail structure as well as comply with OSHA strength regulations.

19. **Claim(s) 6 with respect to claim 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunito JP Patent No. 06-032555 in view of Roose U.S. Patent No. 5170746 and Morse et al. U.S. Patent No. 577443 as applied to claim 3 above, and further in view of Purvis et al. U.S. Patent No. 5683074.**

20. **Regarding claim 6 with respect to claim 3,** Kunito discloses guard rails and bars 15 having a square section but is silent concerning guard rails and bars made of steel. Purvis et al. teaches guide rails 10 and bars having a square section (Figures 2-9) and made of steel (Column 3, Lines 24-27). It would have been obvious to one of

ordinary skill in the art at the time of the invention to make the guard rails and bars disclosed by Kunito from steel taught by Purvis et al. to provide a resilient guide rail structure as well as comply with OSHA strength regulations.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pichon U.S. Patent No. 4557353, Muller et al. U.S. Patent No. 6202801, Yamakawa et al. U.S. Patent No. 6230845, Miyakoshi et al. U.S. Patent No. 6543584, Mizuno JP Patent No. 02-291377, Tsukahara JP Patent No. 03-120183, Mizuno JP Patent No. 05-330752.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP



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